

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CALVIN SCOTT WEDINGTON,

Civil No. 09-1019 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

U.S. MARSHALS,

Defendant.

Calvin Scott Wedington, #18915-037, Federal Medical Center, PMB 4000, Rochester, MN 55904, pro se plaintiff.

Ana Voss, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated October 13, 2009 [Docket No. 36]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's claims brought under the Federal Tort Claims Act are

DISMISSED WITH PREJUDICE; and

2. Plaintiff's claims brought under *Bivens v. Six Unknown Named Agents* of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), are
- DISMISSED WITHOUT PREJUDICE.**

DATED: November 9, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge